

HOUSE BILL REPORT

SHB 1769

As Passed Legislature

Title: An act relating to orders for housing assistance in dependency matters.

Brief Description: Concerning housing assistance in dependency matters.

Sponsors: House Committee on Early Learning & Children's Services (originally sponsored by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Liias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney and Morrell).

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/6/09, 2/19/09 [DPS];

Health & Human Services Appropriations: 2/25/09 [DPS(ELCS)].

Floor Activity:

Passed House: 3/6/09, 96-0.

Senate Amended.

Passed Senate: 4/9/09, 44-0.

House Concurred.

Passed House: 4/18/09, 97-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Creates a definition for *housing assistance* and incorporates the definition into the list of preventive services in the child dependency chapter.
- Adds references to *housing assistance* to the child dependency court processes and directs court to make inquires regarding whether such assistance was provided.
- Specifies there is no entitlement to housing services or assistance under the dependency chapter.
- Revises the conditions limiting the court's authority to order housing assistance be provided in children's dependency cases.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

Staff: Sydney Forrester (786-7120)

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: The substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton, Cody, Dickerson, Ericksen, Johnson, Miloscia, Morrell, O'Brien, Roberts, Walsh and Wood.

Staff: Melissa Palmer (786-7388)

Background:

In children's dependency cases, the court has authority to order various treatment and services be provided to parents and children to facilitate reunification. The court, in conducting dependency review hearings, has explicit authority to order housing assistance when: (1) homelessness or the lack of adequate and safe housing is the primary reason for the child's out-of-home placement; and (2) funding appropriated specifically for housing assistance is available.

In 1997 the Washington State Supreme Court, in *Washington State Coalition for the Homeless v. DSHS*, 133 Wn.2d 894 (1997), ruled that the juvenile dependency court "has authority to order the Department of Social and Health Services (DSHS) to provide the family with some form of assistance in securing adequate housing in those cases where homelessness or lack of safe and adequate housing is the primary reason for the foster placement or the primary reason for" continuing the child's placement out of the home. The court also held that the nature of housing assistance services provided to families was within the discretion of the DSHS, but the court would determine the adequacy of the services and the reasonableness of the agency's effort. Following this ruling, the Legislature amended the dependency statute in a number of areas to include "housing assistance" and "housing services."

The term "housing services" is one of the "preventive services" defined as "services capable of preventing the need for an out-of-home placement while protecting the child." "Housing services" are described as referrals to federal, state, local, or private agencies that assist people in need with completing forms and applications, or that provide financial subsidies for housing. The term "housing assistance" is not defined.

Summary of Substitute Bill:

A definition is created for *housing assistance* and the term includes:

- appropriate referrals to agencies or organizations;

- assistance with completing forms and applications; or
- financial subsidies or monetary assistance for housing.

Housing assistance is defined to not be a remedial service or time-limited family reunification service.

At the initial court hearing, if the dependency petition alleges that homelessness or lack of adequate housing was a significant factor contributing for the need to remove the child from the parents, the court must inquire whether housing assistance was provided to the family to prevent the need for removing the child.

Following the fact finding hearing on the dependency petition, the court must select those services to assist the parents in maintaining the child in the home, if appropriate. When reviewing the dependency case, the court must determine whether the parent's homelessness or lack of adequate housing is a significant factor delaying permanency for the child and whether housing assistance should be provided.

The court is authorized to order *housing assistance* whenever: (1) a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (2) funding appropriated for this specific purpose is available. *Housing services or assistance* is declared to not be an entitlement under the child dependency chapter.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Early Learning & Children's Services):

(In support) When families are struggling, one of the most important things we can do is provide adequate safe housing. The current authority of the court to order housing assistance is limited to when housing is the primary reason for the out-of-home placement. Housing assistance could prevent placement in about 10 - 15 percent of cases and could allow for reunification in other cases. The DSHS is concerned the court can order them to do something they don't have funding to accomplish. This bill is appropriately narrow in its focus and is about families who, but for adequate safe housing, could remain safely together with their children in the home.

Foster care is the world's most expensive form of housing assistance. The DSHS records show that 135 families in Pierce County have children in out-of-home care due to the lack of housing. The State Coalition for the Homeless has been concerned about this issue for many years. The best approach would be to equip social workers with the resources needed to avoid children having to come into the court system at all. This would save on court costs as well as foster care costs.

Getting into clean and sober housing can make all the difference in successfully reunifying families. The court should periodically be asking whether the family can benefit from housing assistance. Parents may be angry at first and say they don't need housing, but down the road after they have made progress in treatment, housing may be the biggest barrier to reunification.

Lack of funding for parents to have safe and sober housing may leave children in foster care much longer than is needed. Often, housing is the last thing on the list and the hardest to arrange.

(With concerns) A standard requirement imposed by the courts for returning children home from foster care is that the parent has safe and stable housing. The system should be focusing on housing assistance at the front-end and to be more creative about working with connecting families to housing resources, especially in rural areas where housing resources may be scarce. The DSHS has not been appropriated money to provide housing for dependency cases.

(Opposed) None.

Staff Summary of Public Testimony (Health & Human Services Appropriations):

(In support) When families are struggling, it is most important to provide access to stable housing. This bill starts the discussion. It also provides accountability and starts to address housing as a way to reduce the entry and the length of stay in the foster care system. The housing assistance would mostly consist of social workers providing referrals to community based services.

Without safe, adequate housing, it was not possible to start to address the issues that lead to children being placed in out of home care. If the last bottom rung, adequate housing, is fulfilled parents can succeed. Without stable housing, hopelessness and despair set in. If housing needs are addressed early on, it will give parents a better opportunity. Housing is a barrier during dependency proceedings. During this process there was no assistance or guidance to find housing. This will help by providing guidance and assistance regarding housing.

Research shows that children who were recently placed in-out-of home care and experienced an incidence of homelessness in the 12 months prior to out-of-home placement halved the rate of reunification. There is concern with the number of children placed out-of-home when there has been a lack of housing resources for many years. The money can be used in the beginning to prevent out-of-home care. In Pierce County, there are 135 children in placement out-of-home because of a lack of housing resources. The anguish of children and parents due to out-of-home care cannot be calculated.

(Opposed) None.

Persons Testifying (Early Learning & Children's Services): (In support) Representative Orwall, prime sponsor; Michael Mirra, Tacoma Housing Authority; Seth Dawson, Washington State Coalition for the Homeless and Washington State Coalition for Children in

Care; Brenda Lopez; Amy Murray; Laurie Lippold, Children's Home Society; and Sharonda Amamilo.

(With concerns) Ken Nichols, Department of Social and Health Services, Children's Administration.

Persons Testifying (Health & Human Services Appropriations): Representative Orwall, prime sponsor; Kimberly Mays, Pierce County Dependency Program 101 Parent to Parent Program; Tonia Morrison, Thurston County Dependency 101 Parent to Parent Program; Laurie Lipold, Children's Home Society; and Seth Dawson, Washington State Coalition for the Homeless.

Persons Signed In To Testify But Not Testifying (Early Learning & Children's Services): None.

Persons Signed In To Testify But Not Testifying (Health & Human Services Appropriations): None.